

MINUTES
EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, February 8, 2011

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, David Duax, Thomas Kemp, Kerry Kincaid, David Klinkhammer, Mark Olson, Jackie Pavelski, Bob Von Haden, Dana Wachs and Andrew Werthmann. Absent: Council Member Thomas Vue.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, February 8, 2011. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow "to adopt the consent resolution". Said motion passed by unanimous vote.

PROCLAMATION

Council President Kincaid, on behalf of the City Council, read a proclamation recognizing Andrea Sullivan for her service to the Indianhead Area Special Olympics and the annual Eau Claire Polar Plunge at Half Moon Lake Beach.

USE OF CITY FACILITIES

The City Council considered a resolution authorizing the Blugold Beginnings at UWEC to conduct the Higher Education Hustle on Saturday, February 26, 2011 along city streets and trails beginning at Owen Park. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs "to adopt said resolution". Said motion passed by unanimous vote.

FAIRFAX PARK FEES

The City Council considered a resolution approving the 2011 fees and charges for Fairfax Municipal Pool. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Duax "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Duax, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Wachs, and Werthmann. Nay: Council Member Balow.

CHIPPEWA COUNTY LIBRARY TAX

The Council considered a resolution exempting the City of Eau Claire from the Chippewa County tax levy for library purposes. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Klinkhammer "to adopt said resolution". Said motion passed by unanimous vote.

TAX CREDITS

The City Council considered a resolution authorizing staff to request that the Wisconsin Department of Administration remit the school tax, lottery, gaming and first dollar credits directly to the City. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by unanimous vote.

SHARED SERVICES PROPOSAL

The Council considered a resolution approving a proposal from Craig Rapp, LLC to work with the Joint Shared Services Commission to conduct and establish a process for improving shared services delivery and authorizing an appropriation from the contingency fund. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

INITIAL BOND RESOLUTIONS

The City Council considered an Initial Resolution authorizing not to exceed \$6,500,000 aggregate principal amount of 2011 General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for Street Improvement purposes. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered an Initial Resolution authorizing not to exceed \$3,450,000 aggregate principal amount of 2011 General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for Storm Water purposes. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Olson “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered an Initial Resolution authorizing not to exceed \$520,000 aggregate principal amount of 2011 General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for Bridge Improvement purposes. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

The City Council considered an Initial Resolution authorizing not to exceed \$560,000 aggregate principal amount of 2011 General Obligation Promissory Notes of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for Building & Equipment Improvement purposes. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered an Initial Resolution authorizing not to exceed \$1,700,000 aggregate principal amount of 2011 General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for Tax Incremental District projects. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered an Initial Resolution authorizing not to exceed \$25,040,000 aggregate principal amount of General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for 2012-2015 Street Improvement projects. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Wachs, and Werthmann. Nay: Council Member Duax.

The City Council considered an Initial Resolution authorizing not to exceed \$4,850,000 aggregate principal amount of General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for 2012-2015 Storm Water Projects. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Werthmann "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Wachs, and Werthmann. Nay: Council Member Duax.

The Council considered an Initial Resolution authorizing not to exceed \$930,000 aggregate principal amount of General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for 2012-2015 Bridge Improvements. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Pavelski "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Wachs, and Werthmann. Nay: Council Member Duax.

The Council considered an Initial Resolution authorizing not to exceed \$5,000,000 aggregate principal amount of General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, 2012-2015 for the construction and improvements of police facilities. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Wachs, and Werthmann. Nay: Council Member Duax.

The City Council considered an Initial Resolution authorizing not to exceed \$12,870,000 aggregate principal amount of General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for 2012-2015 improvements in Tax Incremental Financing Districts. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Wachs, and Werthmann. Nay: Council Member Duax.

The Council considered an Initial Resolution authorizing not to exceed \$2,580,000 aggregate principal amount of General Obligation Promissory Notes of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for 2012-2015 Public Transit projects. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Werthmann "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Wachs, and Werthmann. Nay: Council Member Duax.

The Council considered an Initial Resolution authorizing not to exceed \$1,100,000 aggregate principal amount of General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, for 2012-2015 pool repairs and improvements. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Pavelski "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Klinkhammer, Pavelski, Von Haden, Wachs, and Werthmann. Nay: Council Members Duax and Olson.

HALLIE GOLF ESTATES

The Council considered a resolution approving the final plat for Hallie Golf Estates, located off the north end of N. Michaud Street, north of Sundet Road, as shown on Planning File #P-1-11. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kincaid, Klinkhammer, Olson, Pavelski, and Von Haden. Nay: Council Members Kemp, Wachs and Werthmann.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Lake Hallie Golf, LLC for street improvements for Hallie Golf Estates - Golfview Drive. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Duax "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kincaid, Klinkhammer, Olson, Pavelski, and Von Haden. Nay: Council Members Kemp, Wachs and Werthmann.

The Council considered a resolution indicating the location of required sidewalk construction along Hallie Golf Estates - Golfview Drive. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Pavelski "to adopt said resolution". Thereupon a motion was offered by Council Member Von Haden "to amend said resolution to defer construction of sidewalk along Golfview Drive". Said motion to amend was accepted by the mover and seconder as a friendly amendment. The Council then voted on the resolution as amended to defer construction of said sidewalk. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kincaid, Klinkhammer, Olson, Pavelski, and Von Haden. Nay: Council Members Kemp, Wachs and Werthmann.

The Council considered a resolution granting a permanent encroachment to Lake Hallie Golf, LLC for stone entrance structures at Sundet Road and Golfview Drive. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kincaid, Klinkhammer, Olson, Pavelski, and Von Haden. Nay: Council Members Kemp, Wachs and Werthmann.

Council Members Von Haden and Werthmann left the Council Chamber.

STREET, SIDEWALK & ALLEY IMPROVEMENTS

The City Council considered a Final Resolution approving the project and levying special assessments for street improvements on the following streets:

- Hamilton Avenue E., STH 93 to 1,114 feet east of Miller Street (11-401)
- Golf Road, Oakwood Hills Parkway to 570 feet east of Commonwealth Avenue (11-402)

Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Olson “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s.66.0907 on the following streets:

- Hamilton Avenue E., STH 93 to 1,114 feet east of Miller Street (11-401)
- Golf Road, Oakwood Hills Parkway to 570 feet east of Commonwealth Avenue (11-402)

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a Final Resolution approving the project and levying special assessments for alley and utility improvements on the following alleys:

- Alley east of N. Dewey Street, Birch Street north to the east/west alley (11-501)
- Alley east of Cochrane Street, Summit Street to Birch Street (11-502)
- Alley east of Forest Street, South End to William Street (11-503)
- Alley east of Barstow Street, William Street to Elm Street (11-504)
- Alley east of Farwell Street, Newton Street to Washington Street (11-505)

Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by unanimous vote.

Council Members Von Haden and Werthmann returned to the Council Chamber.

CITY COUNCIL ELECTIONS

The City Council considered a resolution placing an initiative on the ballot of the 2011 Spring Election to enact a charter ordinance changing the term in office of City Council Members and repealing the prohibition against appearing on the ballot for more than one city office.

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to adopt said resolution”. The Council discussed the proposed resolution.

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Von Haden “to postpone consideration of the resolution contained in Item No 38 on the agenda of this City Council meeting regarding placing a second initiative on the 2011 spring election ballot to enact a charter ordinance changing the term of office for city council members and repealing the prohibition against appearing on the ballot for more than one city office. Said consideration is postponed for two weeks. Also at that time Council shall consider combining the two initiatives into one with Options ‘A’ and ‘B’.” Said motion to postpone failed by the following vote: Aye: Council Members Kemp, Kincaid, Von Haden, and Werthmann. Nay: Council Members Balow, Duax, Klinkhammer, Olson, Pavelski, and Wachs. After further discussion of the original resolution, the mover and seconder withdrew the resolution from consideration.

PARKING – NOBLE DRIVE

The City Council considered an ordinance amending Table VIII of the City Code of Ordinances entitled "Parking Prohibited," by adding Noble Drive, north side, from McKinley Road to 220 feet west and Noble Drive, south side, from McKinley Road to 140 feet west. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow "to adopt said ordinance". Thereupon a motion was offered by Council Member Kemp "to amend said ordinance by deleting the words 'Noble Drive, south side, from McKinley Road to 140 feet west' and inserting the words 'Noble Drive, south side, from McKinley Road to 220 feet west' to make the parking restrictions consistent on both the north and south sides of the roadway". Said motion was accepted by the seconder as a friendly amendment. The Council then voted on the ordinance as amended. Said ordinance was adopted by the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Olson, Pavelski, Von Haden, Wachs, and Werthmann. Nay: Council Member Klinkhammer.

PARKING – HOLIDAYS

The Council considered an ordinance amending Chapter 1.04 of the City Code of Ordinances entitled "General Provisions," specifically Section 1.04.010, entitled "Definitions", to expand the list of holidays exempted from parking restrictions. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs "to adopt said ordinance". Said motion passed by unanimous vote.

CODE AMENDMENTS – FINAL READING

The City Council considered an ordinance amending Chapter 6.08 of the City Code of Ordinances entitled "Animal Control", specifically repealing and recreating Section 6.08.020, entitled "Number per family" regarding the number of dogs allowed per household. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Balow "to adopt said ordinance". Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden "to amend said ordinance by adding a paragraph 'C' to read as follows: 'The provisions of Section 6.08.020(B) shall be in effect until December 31, 2013, unless action is taken by the City Council prior to that time to extend them'". Said motion failed by the following vote: Aye: Council Members Duax, Pavelski, Von Haden, and Werthmann. Nay: Council Members Balow, Kemp, Kincaid, Klinkhammer, Olson, and Wachs. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Olson "to postpone consideration of the ordinance until the first meeting in March". Said motion to postpone passed by the following vote: Aye: Council Members Balow, Duax, Kemp, Olson, Von Haden, Wachs, and Werthmann. Nay: Council Members Kincaid, Klinkhammer and Pavelski.

The Council considered an ordinance amending Chapter 6.16 of the City Code of Ordinances entitled "Pigeons", specifically Section 6.16.060, entitled "Conditions for keeping and maintaining". Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Klinkhammer "to adopt said ordinance". Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, and Werthmann. Nay: Council Members Von Haden and Wachs.

CODE AMENDMENTS - INTRODUCTION

The City Council had first reading on two ordinances amending the City Code of Ordinances:

- Chapter 16.04 entitled "Building Code" specifically section 16.04.350 entitled "Special Building District Boundaries", to decrease the size of the special building district.
- Chapter 18.02 of the Zoning Code entitled "Definitions", adding a definition for "tavern" as shown on Planning File #Z-1477-11.

PAY PLAN

The City Council had first reading on an ordinance amending the Pay Plan for the City of Eau Claire to incorporate the changes approved with the 2011 Program of Services.

ADJOURNMENT

A motion was offered by Council Member Wachs and seconded by Council Member Duax "that this meeting does now adjourn." Said motion passed by unanimous voice vote.

Adjournment: February 8, 2011

Time: 7:11 p.m.

Kerry J. S. Kincaid, President

ATTEST:

Donna A. Austad, City Clerk